

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FRANCIS JAYE and SEAN MADELMAYER,)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

No. 4:20CV266 RLW

COMPASS GROUP USA, INC., d/b/a)
CANTEEN VENDING SERVICES, INC.,)

Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion to Lift the Stay Entered by the Court on March 25, 2020 and for Leave to File a First Amended Complaint (ECF No. 36). Defendant Compass Group USA, Inc. (“Compass”) has filed a response indicating they do not oppose the Plaintiffs’ motion.¹ The Court notes this action, *Jaye v. Crane Merchandising Systems, Inc., et al.* (“*Jaye*”) was transferred to the undersigned from the United States District Court for the Northern District of Texas based upon the first-to-file rule. The district court found *Jaye* substantially overlaps with an earlier case filed in this district, *Moore v. Compass Group USA, Inc.*, Cause No. 4:18-cv-1962-SEP (E.D. Mo.) (“*Moore*”) and transferred *Jaye* for consideration of how this Court should proceed in connection with *Moore*. (ECF No. 28).

On March 9, 2020, the Court ordered the parties to file a status report with the Court indicating how the parties plan to proceed in light of the first-filed case *Moore*. (ECF No. 31). The parties failed to timely respond, and on March 25, 2020, the Court stayed the case pending

¹ The Court notes the Plaintiffs voluntarily dismissed their claims without prejudice against Defendant Crane Merchandise Systems, Inc. on August 8, 2019. (ECF No. 24).

further notice from the parties. (ECF No. 35). Plaintiffs filed the present motion to lift the stay on May 22, 2020, along with a request to file the First Amended Class Action Complaint attached to the motion. (ECF Nos. 36, 36-1). Plaintiffs contend while *Moore* seeks to certify a nationwide class, *Jaye* only seeks to represent a Texas class. Further, Plaintiffs defer to the Court on whether the case should be consolidated with *Moore* or stayed pending a ruling on class certification in *Moore*. The Court notes the Plaintiffs have not filed appropriate motions reflecting this request. However, because Defendant Compass does not oppose Plaintiffs' motion, the Court will lift the stay and allow Plaintiffs' to file their amended complaint.

Accordingly,

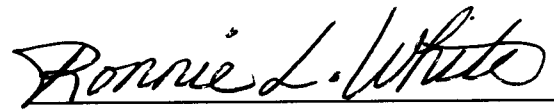
IT IS HEREBY ORDERED that Plaintiffs' Motion to Lift the Stay Entered by the Court on March 25, 2020 and for Leave to File a First Amended Complaint (ECF No. 36) is **GRANTED**.

IT IS FURTHER ORDERED that the stay in this matter is lifted, and the Clerk of the Court shall reopen the case.

IT IS FURTHER ORDERED that the Clerk of the Court shall file Document 36-1 as Plaintiffs' First Amended Class Action Complaint.

IT IS FINALLY ORDERED that an Order Setting Rule 16 Conference shall be filed by separate order.

Dated this 8th day of June, 2020.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE